

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF OHIO

Petition for Warrant or Summons for Offender Under Supervision

| | | | |
|--|-----------------------------|---|------------------------|
| Name of Offender: | Marcellous A. Bolton | Case Number: | 2:21CR00086 (1) |
| Name of Sentencing Judicial Officer: | | The Honorable Michael H. Watson U.S. District Court Judge Sothern District of Ohio | |
| Date of Original Sentence: | | March 30, 2023 | |
| Original Offense: | | Prohibited Person in Possession of a Firearm, in violation of Title 18 U.S.C. §§ 922(g)(1) and 924(a), a Class C felony. | |
| Original Sentence: | | Twelve (12) months and one (1) day imprisonment, followed by a three (3) year term of supervised release. | |
| Type of Supervision: Supervised Release | | Date Supervision Commenced: September 15, 2023 | |
| Assistant U.S. Attorney: Brian Martinez 303 Marconi Boulevard 2nd Floor Columbus, OH 43215 | | Defense Attorney: To be assigned or retained at a later date | |

PETITIONING THE COURT

- ☒ **To issue a Warrant**
- ☐ **To issue a Summons**
- ☐ **To grant an exception to revocation without a hearing**

Violation Number Nature of Noncompliance

**#1 MANDATORY CONDITION NO. 3: "The defendant shall refrain from
any unlawful use of a controlled substance..."**

On October 20, 2023, Mr. Bolton submitted a positive urinalysis for
marijuana.

- #2** **STANDARD CONDITION NO. 2: “After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation office as instructed.”**

On January 5, 2024, the supervising officer attempted to contact Mr. Bolton via telephone and text. He was instructed to call the supervising officer, but there was no response. The undersigned probation officer attempted to conduct a home visit at Mr. Bolton’s residence on January 8, 2024; however, the residence was vacant. Additionally, on January 9, 2024, the supervising officer made one final attempt to contact Mr. Bolton by telephone, but there was no answer. A message was left on Mr. Bolton’s voicemail, instructing him to report to the U.S. Probation office on January 18, 2024 at 11:00 a.m. Mr. Bolton failed to return the supervising officers phone call and failed to report to the U.S. Probation office. To date there has been no contact with Mr. Bolton since December 5, 2023 and his current whereabouts are unknown.

- #3** **SPECIAL CONDITION NO. 1: “The defendant shall participate in a program of testing, treatment and/or medication compliance for alcohol and controlled substance abuse, as directed by the U.S. Probation Office, until such time as the defendant is released from the program by the probation office. The defendant will make co-payment for the treatment services not to exceed \$25 per month, which is determined the defendant’s ability to pay.”**

- #4** **SPECIAL CONDITION NO. 2: “The defendant shall participate in a program of mental health assessment and/or counseling, as directed by the U.S. Probation Office, until such time as the defendant is released from such program by the probation officer. The defendant will make a co-payment for treatment services not to exceed \$25 per month, which is determined by the defendant’s ability to pay.”**

On September 15, 2023, Mr. Bolton completed outpatient mental health and substance abuse treatment at Eden Counseling while under the jurisdiction of the Bureau of Prisons. At that time, Eden Counseling recommended that Mr. Bolton continue with ongoing mental health counseling and monthly medication monitoring. However, Mr. Bolton has failed to re-engage in services as instructed.

U.S. Probation Officer Recommendation:

The term of supervision should be

☒ **Revoked**

☐ Extended for [---] years, for a total term of [---] years

☐ Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)

☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

Reviewed & Approved,

Malissa Minard

Malissa Minard
Senior U.S. Probation Officer
January 24, 2024

Vanessa Fletcher

Vanessa Fletcher
Supervising U.S. Probation Officer
January 24, 2024

THE COURT ORDERS:

☐ No Action

☒ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the Issuance of a Warrant for his/her arrest. **The signed Probation Form 12C (Petition for Action), as well as the warrant for arrest, is to be filed under seal in the Electronic Case File (ECF) system until such time as the warrant is executed.**

☐ The Issuance of a Summons

☐ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.

☐ Other:

Michael A. Carter
Signature of Judicial Officer

Jan. 29, 2024
Date

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA

V.

Docket No: **2:21CR00086 (1)**

Marcellous A. Bolton

**** SUPERVISED RELEASE VIOLATION REPORT ****

| | |
|--|--|
| Prepared for: | The Honorable Michael H. Watson United States District Court Judge Southern District of Ohio |
| Prepared by: | Malissa Minard Senior United States Probation Officer (614) 719-3159 |
| Original offense: | <i>Prohibited Person in Possession of a Firearm</i> , in violation of 18 U.S.C. §§ 922(g)(1) and 924(a), a Class C felony. |
| Sentencing date: | March 30, 2023 |
| Sentence imposed: | Twelve (12) months and one (1) day imprisonment, followed by a 3 (three) year term of supervised release. |
| Date supervision commenced: | September 15, 2023 |
| Release status: | The offender is currently free in the community; however, his whereabouts are unknown at this time. |
| Last Known Address: | 1261 Marion Drive Columbus, OH 43207 |
| Assistant U.S. Attorney: | Defense Counsel: |
| Brian Martinez 303 Marconi Blvd. Suite 200 Columbus, Ohio 43215 (614) 469-5715 | To be assigned or retained at a later date |
| Date Report Prepared: January 25, 2024 | |

PART A. FACTUAL BASIS FOR VIOLATION BEHAVIOR

MANDATORY CONDITION NO. 3: “The defendant shall refrain from any unlawful use of a controlled substance...”

On October 20, 2023, Mr. Bolton submitted a positive urinalysis for marijuana.

STANDARD CONDITION NO. 2: “After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation office as instructed.”

On January 5, 2024, the supervising officer attempted to contact Mr. Bolton via telephone and text. He was instructed to call the supervising officer, but there was no response. The undersigned probation officer attempted to conduct a home visit at Mr. Bolton’s residence on January 8, 2024; however, the residence was vacant. Additionally, on January 9, 2024, the supervising officer made one final attempt to contact Mr. Bolton by telephone, but there was no answer. A message was left on Mr. Bolton’s voicemail, instructing him to report to the U.S. Probation office on January 18, 2024 at 11:00 a.m. Mr. Bolton failed to return the supervising officers phone call and failed to report to the U.S. Probation office. To date there has been no contact with Mr. Bolton since December 5, 2023 and his current whereabouts are unknown.

SPECIAL CONDITION NO. 1: “The defendant shall participate in a program of testing, treatment and/or medication compliance for alcohol and controlled substance abuse, as directed by the U.S. Probation Office, until such time as the defendant is released from the program by the probation office. The defendant will make co-payment for the treatment services not to exceed \$25 per month, which is determined the defendant’s ability to pay.”

SPECIAL CONDITION NO. 2: “The defendant shall participate in a program of mental health assessment and/or counseling, as directed by the U.S. Probation Office, until such time as the defendant is released from such program by the probation officer. The defendant will make a co-payment for treatment services not to exceed \$25 per month, which is determined by the defendant’s ability to pay.”

On September 15, 2023, Mr. Bolton completed outpatient mental health and substance abuse treatment at Eden Counseling while under the jurisdiction of the Bureau of Prisons. At that time, Eden Counseling recommended that Mr. Bolton continue with ongoing mental health counseling and monthly medication monitoring. However, Mr. Bolton has failed to re-engage in services as instructed.

PART B. ADJUSTMENT TO SUPERVISION

Mr. Bolton commenced his three (3) year term of supervised release on September 15, 2023. Prior to his commencement of supervision, Mr. Bolton completed mental health and substance abuse treatment at Eden Counseling while under the jurisdiction of the Bureau of Prisons.

On October 20, 2023, Mr. Bolton submitted a positive urinalysis for marijuana and alcohol. He was reminded to re-engage in treatment services at Eden Counseling, and he was also referred to the Positive Influence Team (PIT). The main objective of the cognitive behavioral program is to assist clients in overcoming obstacles and making positive choices through mentoring relationships. The group meets once per week for a period of twelve (12) months. Mr. Bolton began the PIT program on November 9, 2023. He last attended the group on December 14, 2023, and has since failed to contact the facilitator.

Since the commencement of supervision, Mr. Bolton he has resided with his mother. During a

home visit on December 5, 2023, Mr. Bolton advised that he would more than likely be moving to a new residence, given that his mother was in the hospital and the housing authority would not continue to pay her rent. At that time, Mr. Bolton was instructed to contact the supervising officer when he had more details regarding his new address and living situation. Unfortunately, Mr. Bolton failed to contact the supervising officer. As mentioned in Part A, the supervising officer attempted to conduct a home visit at Mr. Bolton's residence and learned that the residence was vacant. There has been no additional contact with Mr. Bolton since December 5, 2023. To Mr. Bolton's credit he secured employment at Anderson Aluminum Corporation, while at Alvis House. However, the undersigned probation officer was unable to confirm if Mr. Bolton remains employed at Anderson Aluminum Corporation. Mr. Bolton's whereabouts are unknown, and he has not re-engaged in treatment as required, leaving this officer no option but to request a violation hearing to determine if Mr. Bolton's term of supervised release should be revoked.

PART C. SENTENCING OPTIONS

Grade of violations(s): C

Criminal History Category: VI

| | Statutory Provisions | Guideline Provisions | Recommended Sentence |
|----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Custody: | Up to 2 Years | 8-14 Months | 8 Months |
| Supervised Release: | *Up to 28 Months | 1-3 Years | 28 Months |
| Probation: | Not Authorized | Not Authorized | Not Authorized |

Note: Under 18 U.S.C. §3583 (h), should the Court impose an eight (8) month term of imprisonment, Mr. Bolton would have a total maximum available reimposed term of supervised release of twenty-eight (28) months.

Criminal Monetary Penalties:

| | Originally Imposed | Current Balance |
|----------------------------|---------------------------|------------------------|
| Fine: | \$0.00 | \$0.00 |
| Restitution: | \$0.00 | \$0.00 |
| Special Assessment: | \$ 100.00 | \$ 100.00 |

Voluntary Surrender: Mr. Bolton is not a good candidate for voluntary surrender as he has absconded from supervision.

PART D. RECOMMENDATION

The term of supervised release is hereby revoked and the offender, **Marcellous A. Bolton**, is hereby sentenced to the custody of the U.S. Bureau of Prisons for a period of **eight (8) months**. Upon release from custody, the offender shall be placed on a re-imposed term of **supervised release for a period of twenty-eight (28) months**. The conditions of supervision that were in effect at the time of the initial sentencing shall remain in effect during the re-imposed term of supervision.

Respectfully submitted,

Malissa Minard

Malissa Minard
Senior U.S. Probation Officer
January 25, 2024

Reviewed & Approved,

Vanessa Fletcher

Vanessa S. Fletcher
Supervising U.S. Probation Officer
January 25, 2024